

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 24, 2014

Elisabeth A. Shumaker  
Clerk of Court

NATHANIEL JAMES HARVEY, III,

Plaintiff - Appellant,

v.

CATHERINE SEGURA, in her official  
and individual capacity; LT. BRENT  
LANG, (Unit 4), in his official capacity,

Defendants - Appellees.

No. 14-1025  
(D.C. No. 1:13-CV-01574-RBJ-BNB)

ORDER

Before **HARTZ**, **TYMKOVICH**, and **MATHESON**, Circuit Judges.

The plaintiff appeals an order of the district court adopting the recommendation of the magistrate judge to deny his motion to amend his amended complaint by adding two defendants. This court lacks jurisdiction because no final or appealable order has been entered by the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van*

*Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)). Here, the order being appealed is not final or otherwise immediately appealable.

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

by: Ellen Rich Reiter  
Jurisdictional Attorney